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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,519	10/30/2001	James Hartman	DD-033-US-01	8359

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EXAMINER

HAWKINS, CHERYL N

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/003,519	Applicant(s) HARTMAN ET AL.	
	Examiner Cheryl N Hawkins	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9, 11, 15-20 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8-11, 15-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/01; 1/02; 6/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 9 and 19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is unclear as to how the placement of a splicing tape and its structure as recited in Claims 9 and 19 provide further limitations for the splicing apparatus recited in Claim 1.
2. Claim 11 is objected to because of the following informalities: "spicing" in line 1 of the claim should be changed to --splicing--. Appropriate correction is required.
3. Claims 15, 16, 17, 18, and 20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is unclear as to how the structure of the webs recited in Claims 15, 16, 17, 18, and 20 provide further limitations for the splicing apparatus recited in Claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 4, 7, 9, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto (US 6,244,321) in view of Cristiani (US 3,738,587). Sakamoto discloses a splicing system capable of splicing successive rolls of supply web to provide a continuous web to an applicator, the system comprising a first and second roll of web (Figure 2, reels 17 and 17') supported respectively on first and second spindles (Figure 2, bobbins 12 and 12') for directing the first and second webs (Figure 1, webs 1 and 1') toward a splicing station; a splicing station comprising knife elements (Figure 1, cutters 7 and 7') for cutting a web passing through the splicing station; staging areas (Figure 1, feed belt 5 and 5') where successive ends of the webs to be spliced are placed and held for splicing; pinch rollers (Figure 1, feed rollers 6 and 6') positioned one on each side of the web for forming a splice. (column 3, line 47 through column 4, line 6).

As to Claim 1, Sakamoto does not disclose a splicing system wherein the pinch rollers close on the first web and the free end of the second web to form a splice and a control capable of simultaneously closing the pinch rollers on the web and actuating a knife element to cut the first web. Cristiani discloses a splicing system comprising pinch rollers (Figure 1, rollers 6 and 21) positioned one on each side of the web for opening to permit placement of a splicing tape (Figure 1, adhesive tongue L) and for closing on the first web (Figure 1, web N1) and the free

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end of the second web (Figure 1, web N2) to form a splice and a control capable of simultaneously closing the pinch rollers on the web and actuating a knife element (Figure 1, scissors 20) to cut the first web (column 3, lines 18-22). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the splicing system disclosed by Sakamoto to include pinch rollers as suggested by Cristiani which open to permit placement of an splicing tape onto the free end of the second web and which close on the first web and the free end of the second web to form a splice and a control as suggested by Cristiani to automatically coordinate closing the pinch rollers to effect web splicing and actuating the knife element to cut the first web.

As to Claims 3 and 4, the references as combined do not disclose a splicing system wherein the staging areas comprise support plates for supporting a free end of the second web. Cristiani discloses a splicing system wherein the staging area comprises a support plate (Figure 1, guide 5) for supporting a free end of the second web (Figure 1, web N2), the plate including a device capable of actively holding the web end in position on the plate via a series of holes for placing subatmospheric pressure on one surface of the web such that the free end of the web remains in place on the plate prior to splicing the web (column 2, lines 36-41). It would have been readily apparent to one of ordinary skill in the art that the supporting belt disclosed by Sakamoto and the supporting plate disclosed by Cristiani are functionally equivalent because both devices comprise planar surfaces which utilize subatmospheric pressure to actively hold the web ends in position. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the staging areas of the references as combined to include support plates for supporting a free end of the second web; supporting belts and supporting plates being functionally equivalent.

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As to Claim 7, the references as combined (see Cristiani) disclose a splicing system wherein the pinch rollers (Figure 1, rollers 6 and 21) comprise a pair of rollers spaced apart along the path of the web, means for rapidly bringing the rollers toward each other to bring the web therebetween into intimate engagement (column 3, lines 18-22), and motor means for bringing the rollers together (Figure 1, motor 32).

As to Claim 9, the references as combined (see Cristiani) disclose a splicing system wherein a splicing tape (Figure 1, adhesive tongue L) is positioned on the second web (Figure 1, web N2) and extends into the pinch rollers (Figure 1, rollers 6 and 21) to aid in splicing the first and second webs together.

As to Claims 15, 16, 17, 18, and 20, the references as combined disclose a splicing system which is capable of handling webs which include a hot melt adhesive and a paper or plastic backing having a release coating disposed thereon.

As to Claim 19, the references as combined disclose a splicing system which is capable of handling a splicing tape comprising a pressure sensitive adhesive.

6. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto (US 6,244,321) and Cristiani (US 3,738,587 as applied to claim 1 above, and further in view of Rossini et al. (US 5,573,626). As to Claim 2, the references as combined do not disclose a splicing system comprising a first and second series of rollers for placing a reverse curl in the webs being unwound. It is well known and conventional in the web handling apparatus art, as disclosed by Rossini et al. (Figure 3, rollers 96, 117, 118, 178 and rollers 152, 172, 136, and 174), to include a first and second series of rollers for placing a reverse curl in webs being unwound. It would have been obvious to one of ordinary skill in the art at the time

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of the invention to modify the splicing system of the references as combined to include a conventional first and second series of rollers as suggested by Rossini et al. to place a reverse curl in the webs being unwound.

As to Claim 11, the references as combined do not disclose a splicing system wherein the applicator is a tape applicator for applying an adhesive coated web to carton. It is well known and conventional in the tape dispensing art, as disclosed by Rossini et al. (abstract; Figure 1, taping machine 10, boxes 16, tapes 24 and 26), to provide a tape applicator for applying adhesive coated web to cartons with a splicing system to ensure continuous feeding of the tape. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the splicing system of the references as combined in a tape applicator for applying adhesive coated web to cartons as suggested by Rossini et al. to ensure continuous feeding of the tape.

Allowable Subject Matter

7. Claims 5, 6, 8, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: As to Claim 5, the prior art of record to Sakamoto (US 6,244,321) discloses a splicing system wherein the knife element comprises a cutting blade fixed along the path of the web (Figure 1, cutters 7 and 7'), but does not disclose or provide any motivation for a splicing system which includes motor means and anvil means for moving the web into the cutting blade to cut the web and means for separating the anvil and the cutting blade.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N Hawkins whose telephone number is (571) 272-1229. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (517) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheryl N. Hawkins

Cheryl N. Hawkins 2/20/04

February 20, 2004



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